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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 GILBERT ARIAS, JR., ) CASE NO. CV 09-8803-JST (PJW)  
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12 ) Petitioner, )  
13 )  
14 ) v. ) ORDER ACCEPTING REPORT AND  
15 ) RECOMMENDATION OF UNITED STATES  
16 ) MAGISTRATE JUDGE AND DENYING  
17 ) CERTIFICATE OF APPEALABILITY  
18 )  
19 ) M.S. EVANS, )  
20 )  
21 ) Respondent. )  
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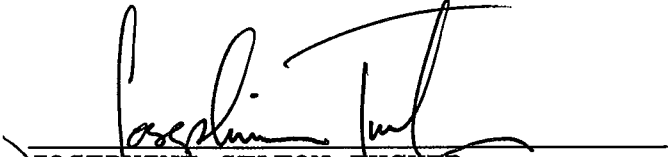
16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the  
17 Petition, records on file, and the Report and Recommendation of the  
18 United States Magistrate Judge. Petitioner has not filed any  
19 objections to the Report. The Court accepts the findings and  
20 recommendation of the Magistrate Judge.

21 Further, for the reasons stated in the Report and  
22 Recommendation, the Court finds that Petitioner has not made a  
23 substantial showing of the denial of a constitutional right and,  
24 therefore, a certificate of appealability is denied. See Rules  
25 Governing Section 2254 Cases in the United States District Courts,  
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1 Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*  
2 *v. Cockrell*, 537 U.S. 322, 336 (2003).

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4 DATED:

10.24.11

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8 JOSEPHINE STATON TUCKER  
9 UNITED STATES DISTRICT JUDGE  
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